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8 **BEFORE THE**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **BUREAU OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. VN-2006-2202

13 **ARNO NAZARYAN**
8410 Springford Drive
14 Sun Valley, CA 91352

A C C U S A T I O N

15 Vocational Nurse License No. VN 226148

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this
20 Accusation solely in her official capacity as the Executive Officer of the Bureau of Vocational
21 Nursing and Psychiatric Technicians (Bureau), Department of Consumer Affairs.

22 2. On or about March 6, 2007, the Bureau issued Vocational Nurse License
23 No. VN 226148 to Arno Nazaryan, (Respondent). The Vocational Nurse License was in full
24 force and effect at all times relevant to the changes brought herein and will expire on June 30,
25 2010, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Bureau, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

4. Section 2875 of the Business and Professions Code (Code) provides, in pertinent part, that the Bureau may discipline the holder of a vocational nurse license for any reason provided in Article 3 (commencing with section 2875) of the Vocational Nursing Practice Act.

5. Section 118(b) of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Bureau jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under section 2892.1 of the Code, the Bureau may renew an expired license at any time within four years after the expiration.

6. Section 2878 of the Code states:

"The Bureau may suspend or revoke a license issued under this chapter [the Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)) for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

....

"(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter.

....

"(f) Conviction of a crime substantially related to the qualifications, functions, and duties of a licensed vocational nurse, in which event the record of the conviction shall be conclusive evidence of the conviction.

...

"(j) The commission of any act involving dishonesty, when that action is related to the duties and functions of the license."

1 7. Section 490 of the Code provides, in pertinent part, that the Bureau may
2 suspend or revoke a license when it finds that the licensee has been convicted of a crime
3 substantially related to the qualifications, functions or duties of a licensed vocational nurse.

4 8. California Code of Regulations, title 16, section 2521, states:

5 “For the purposes of denial, suspension, or revocation of a license pursuant to
6 Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or
7 act shall be considered to be substantially related to the qualifications, functions or duties of a
8 licensed vocational nurse if to a substantial degree it evidences present or potential unfitness of a
9 licensed vocational nurse to perform the functions authorized by his license in a manner
10 consistent with the public health, safety, or welfare.”

11 9. Section 125.3 of the Code provides, in pertinent part, that the Bureau may
12 request the administrative law judge to direct a licentiate found to have committed a violation or
13 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
14 and enforcement of the case.

15 **FIRST CAUSE FOR DISCIPLINE**

16 **(Conviction of a Substantially Related Crime)**

17 10. Respondent is subject to disciplinary action under section 2878,
18 subdivision (f) and 490 of the Code, as defined California Code of Regulations, title 16, section
19 2521, in that Respondent was convicted of a crime substantially related to the qualifications,
20 functions or duties of a licensed vocational nurse, as follows:

21 a. On or about October 12, 2007, Respondent was convicted by the Court on
22 a plea of nolo contendere for violating one count of Penal Code section 415 (2), (causing loud
23 noise), a misdemeanor, in the Superior Court of California, County of Los Angeles, Glendale
24 Jurisdictional District, Case No. 7GN03724 entitled *The People of the State of California v. Arno*
25 *Nazaryan*.

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1 b. The circumstances surrounding the conviction are that on or about May
2 22, 2007, Respondent, maliciously and willfully disturbed another person by loud and
3 unreasonable noise.

4 **SECOND CAUSE FOR DISCIPLINE**

5 **(Dishonest Act)**

6 11. Respondent is subject to disciplinary action under section 2878,
7 subdivision (a) and (j) of the Code, on the grounds of unprofessional conduct, in that on or about
8 May 22, 2007, while employed as an in-home care nurse, in Glendale, California, Respondent,
9 committed an act involving dishonesty, by stealing money and personal property from victim,
10 Sharon F.

11 **THIRD CAUSE FOR DISCIPLINE**

12 **(Unprofessional Conduct)**

13 12. Respondent is subject to disciplinary action under section 2878,
14 subdivision (a) and (d) of the Code, on the grounds of unprofessional conduct, in that on or about
15 May 22, 2007, Respondent engaged in unprofessional conduct. Complainant refers to, and by
16 this reference incorporates the allegations set forth above in paragraphs 10 and 11, inclusive, as
17 though set forth fully.

18 **PRAYER**

19 WHEREFORE, Complainant requests that a hearing be held on the matters herein
20 alleged, and that following the hearing, the Bureau issue a decision:

21 1. Revoking or suspending Vocational Nurse License No. 226148 issued to
22 Arno Nazaryan.

23 2. Ordering Arno Nazaryan to pay the Bureau the reasonable costs of the
24 investigation and enforcement of this case, pursuant to Business and Professions Code section
25 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED: August 22, 2008


TERESA BELLO-JONES, J.D., M.S.N., R.N.

Executive Officer
Bureau of Vocational Nursing and Psychiatric Technicians
State of California
Complainant